

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff,**

V.

CRIMINAL NO: 4:22-cr-612

EDWARD CONSTANTINESCU,
PERRY "PJ" MATLOCK,
JOHN RYBACZYK,
GARY DEEL,
STEFAN HRVATIN,
TOM COPPERMAN,
MITCHELL HENNESSEY,
DANIEL KNIGHT,

Defendants.

**PETITION OF MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT #18,
MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT #18 STANDBY FEES,
KLEIN INDEPENDENT SCHOOL DISTRICT AND HARRIS-MONTGOMERY
COUNTIES MUNICIPAL UTILITY DISTRICT #386
FOR ADJUDICATION OF INTEREST IN PROPERTIES**

TO THE HONORABLE JUDGE OF SAID COURT:

Now COMES, Montgomery County Municipal Utility District #18, Montgomery County Municipal Utility District #18 Standby Fees, Klein Independent School District, Harris-Montgomery Counties Municipal Utility District # 386, Petitioners, and pursuant to 21 USC § 853(n) respectfully shows the Court the following:

1. The real properties which is the subject of this action is described in the Government's

Notice of Criminal Forfeiture (Filed December 07, 2022) and identified as follows:

The real property including all improvements and appurtenances, located at 138 Bentwater Bay Dr. Montgomery, Texas 77356, and legally described as: Lot 1, Block 1, Bentwater Sec. 82, Montgomery County, Texas;

The real property including all improvements and appurtenances, located at 2258 Pinerock Ln. Montgomery, Texas 77356, and legally described as: Lot 6, Block 2, Bentwater Sec. 47, Montgomery County, Texas;

The real property including all improvements and appurtenances, located at 151 Bentwater Bay Dr Montgomery, Texas 77356, and legally described as: Lot 2, Block 2, Bentwater Sec. 82, Montgomery County, Texas;

The real property located at 15 Congressional Circle, The Woodlands, Texas 77389, together with all improvements, buildings, structures, and appurtenances, and legally described as: Lot 4, Block 1, The Woodlands Carlton Woods, Creekside 2, in the Village of Creekside Park, Harris County, Texas.

2. Petitioners are taxing units as defined by TEX. PROP. TAX CODE ANN. §1.04(12), and as such, levied ad valorem taxes for the current year and previous years. (See Exhibits 1-3, Tax Statements).

3. Taxing Authorities are political subdivisions of the State of Texas authorized to levy and collect ad valorem taxes on the subject property. Any offsets and credits existing against the amounts due will be allowed.

4. Section 32.01 of the Texas Property Tax Code creates a lien which perfects on January 1 of each tax year to the benefit of the Taxing Authorities to secure payment of *all* tax, penalty and interest imposed on the property. Those liens constitute valid, good faith interest in the subject property which are superior to all interest claimed by the owner and user of the property by virtue of TEX. PROP. TAX CODE ANN. §32.05.

5. Taxing Authorities, Montgomery County Municipal Utility District #18, Montgomery County Municipal Utility District #18 Standby Fees, Klein Independent School District, Harris-Montgomery Counties Municipal Utility District # 386, interests in the subject property is not subject to forfeiture to the United States by reason of an act or omission of the property's owner or the Defendant because (1) the Taxing Authorities have no knowledge that the subject property was or would be involved in any violation of the law, (2) the Taxing Authorities have no knowledge of the particular violation which subjected the property to seizure and forfeiture, and (3) the Taxing Authorities have no knowledge that the user of the property had any record for violating laws of the United States or of any State for a related crime.

6. Taxing Authorities have taken all reasonable steps to prevent the illegal use of the subject property given it position as a unit of local government claiming statutory liens on the property.

WHEREFORE, PREMISES CONSIDERED, Taxing Authorities pray that the Court:

- a. Recognize the continued existence of and validity of the tax liens securing payment of the taxes, penalties and interest assessed by Taxing Authorities on the subject property;
- b. Order that taxes, penalties and interest owing to the Taxing Authorities be paid from the proceeds of the sale after the expenses of preservation of the sale and prior to distribution to any other claimant; and
- c. For all further relief to which Taxing Authorities may be entitled.

Respectfully submitted,

PERDUE, BRANDON, FIELDER,
COLLINS & MOTT, L.L.P.



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ATTORNEY FOR MONTGOMERY COUNTY
MUNICIPAL UTILITY DISTRICT #18, ET AL

VERIFICATION

STATE OF TEXAS

§

§

COUNTY OF HARRIS

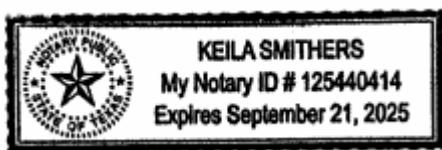
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BEFORE ME, the undersigned Notary Public, on this day personally appeared Leslie M. Schkade, who is the attorney for Montgomery County Municipal Utility District #18, Montgomery County Municipal Utility District #18 Standby Fees, Klein Independent School District, Harris-Montgomery Counties Municipal Utility District # 386 and a partner with the law firm of Perdue Brandon Fielder Collins and Mott, LLP and is authorized to file the foregoing petition on behalf of Montgomery County Municipal Utility District #18, Montgomery County Municipal Utility District #18 Standby Fees, Klein Independent School District, Harris-Montgomery Counties Municipal Utility District # 386 by virtue of a Contract between the law firm and taxing authorities pursuant to Texas Property Tax Code Section 6.30(c). She has read the foregoing petition and has personal knowledge of the allegations and each is true and correct.



Leslie M. Schkade

SUBSCRIBED AND SWORN BEFORE ME, on the 21st day of June, 2023, to certify witness my hand and official seal.



Notary Public in and for the State of Texas

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2023 the foregoing was electronically filed with the U.S. District Court Clerk, Southern District, by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.



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